


NAVAL INSPECTOR GENERAL

REPORT OF INVESTIGATION

Subj: SENIOR OFFICIAL CASE 201501073; ALLEGATIONS OF
DRUNKENNESS AND CONDUCT UNBECOMING AN OFFICER AND A
GENTLEMAN BY RADM DAVID F. BAUCOM, USN




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Office of the Naval Inspector General**Case Number: 201501073****Report of Investigation****13 July 2015**

Subj: NAVY SENIOR OFFICIAL CASE 201501073; ALLEGATIONS OF DRUNKENNESS AND CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN BY RADM DAVID F. BAUCOM, USN

Preliminary Statement

1. RADM David F. Baucom is the Director, Strategy, Policy, Capabilities, and Logistics, U.S. Transportation Command (USTRANSCOM). He assumed his current duties in October 2013.
2. On 10 April 2015, we received information that on 8 April 2015 while TDY to the Ponte Vedra Inn and Club (Inn and Club) in Ponte Vedra Beach, FL, RADM Baucom was drunk in public and engaged in conduct that if substantiated was unbecoming. On 16 April 2015 we interviewed three witnesses with relevant information. Based on our initial interviews, we obtained a subpoena from the Department of Defense, Office of Inspector General for copies of security video recordings and other records from the Inn and Club. On 6 May 2015, we served the subpoena on the Inn and Club and on 15 May received the requested evidence in return.
3. We formed the following allegations for investigation:

Allegation #1: That on 8 April 2015, RADM Baucom was drunk and disorderly at the Ponte Vedra Inn and Club in Ponte Vedra Beach, FL, in violation of Article 134 of the Uniform Code of Military Justice (UCMJ).

Conclusion: The allegation is substantiated.

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Allegation #2: That on 8 April 2015, RADM Baucom was drunk in public and was naked in public at the Ponte Vedra Inn and Club in Ponte Vedra Beach, FL, and his conduct constituted conduct unbecoming an officer and a gentleman, in violation of Article 133 of the UCMJ.

Conclusion: The allegation is substantiated.

4. On 19 June 2015, we informed RADM Baucom of our tentative conclusions by letter, to which we attached a Preliminary Report of Investigation (PROI). In the PROI, we tentatively substantiated both allegations. We provided RADM Baucom the opportunity to comment on our tentative conclusions.

5. On 24 June 2015, RADM Baucom responded to our PROI. In his response, RADM Baucom did not dispute our conclusions. Additionally, he addressed facts that he thought were inaccurately stated in our PROI and raised other facts that he believed should have been included in the PROI. After carefully considering RADM Baucom's response, we revised some facts and added additional facts as suggested by RADM Baucom. We stand by our original conclusions.¹

Applicable Standards

Allegation #1

6. The UCMJ, Article 134, Disorderly Conduct, drunkenness, provides:

That the accused was drunk, disorderly, or drunk and disorderly on board ship or in some other place; and that, under the circumstances, the conduct of the accused was to the prejudice of good order and

¹ While we have included what we believe is a reasonable synopsis of RADM Baucom's response, we recognize that any attempt to summarize risks oversimplification and omission. Accordingly, we incorporated RADM Baucom's comments where appropriate throughout this report and provided a copy of his full response to the cognizant management official together with this report.

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discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

7. The Manual for Courts-Martial, United States, 2012 Edition, (MCM) provides the following definition regarding drunkenness in Section IV at paragraph 35c.(6):

"Drunk" . . . mean[s] any intoxication which is sufficient to impair the rational and full exercise of the mental or physical faculties. The term drunk is used in relation to intoxication by alcohol.

8. The MCM defines disorderly conduct in Section IV at paragraph 73c.(2):

Disorderly conduct is conduct of such a nature as to affect the peace and quiet of persons who may witness it and who may be disturbed or provoked to resentment thereby. It includes conduct that endangers public morals or outrages public decency and any disturbance of a contentious or turbulent character.

Allegation #2

9. The UCMJ, Article 133, Conduct unbecoming an officer and a gentleman, provides:

That the accused did or omitted to do certain acts; and that, under the circumstances, these acts or omissions constituted conduct unbecoming an officer and a gentleman.

10. The MCM provides the following discussion regarding the nature of conduct unbecoming an officer and gentleman in Section IV at paragraph 59c.(2):

Conduct violative of this article is action or behavior in an official capacity which, in dishonoring or disgracing the person as an officer, seriously compromises the officer's character as a gentleman, or action or behavior in an unofficial or private capacity which, in dishonoring or disgracing the

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officer personally, seriously compromises the person's standing as an officer.

11. Paragraph 59c.(3), "Examples of offenses," includes "being drunk and disorderly in a public place."

Findings of Fact

12. On Wednesday, 8 April 2015, the National Defense Transportation Association (NDTA) Transportation Advisory Board (TAB) held a meeting at the Inn and Club. A dinner for the attendees was held prior to the meeting on 7 April 2015. The TAB is comprised of senior military officers and senior executives from corporations that support the Defense military transportation system.

13. RADM Baucom was part of a USTRANSCOM delegation that attended the meeting. Other members of the USTRANSCOM delegation included flag/general officers, including (b)(6) & (b)(7)(C), USAF, Commander, (b)(6) & (b)(7)(C), and members of the Senior Executive Service. Industry members who attended the meeting were, for the most part, corporate executives. The attendees stayed at the Inn and Club. There were more than 70 attendees at the meeting.

14. RADM Baucom arrived at the Inn and Club at approximately 1800 on 7 April 2015. He was a passenger in a car driven by another attendee to the TAB. (b)(6) & (b)(7)(C), USTRANSCOM Enterprise Readiness Center, met RADM Baucom outside the building that houses the lobby and front desk, and gave RADM Baucom keys to his room.² RADM Baucom did not enter into the lobby of the Inn and Club and was driven to his room. RADM Baucom's room was on the second floor in the "Peyton House".³ 14. Shortly after RADM Baucom arrived at his room

² RADM Baucom is (b)(6) immediate supervisor.

³ A map of the Inn and Club is at the Addendum. The Inn and Club has more than 15 separate structures. Guests are assigned rooms in various two-story "houses." There is also a conference center, a gym, dining facilities, and other facilities.

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(b)(6) & (b)(7)(C) met him and drove RADM Baucom to a dining facility at the Inn and Club at which they attended a dinner arranged by NDTA and attended by the TAB attendees. The dining facility is in Building 5, on the same street as RADM Baucom's room, and no more than one-half a mile away.

15. After the dinner, TAB attendees, including RADM Baucom, went to the "Surf Club," a bar located upstairs from the dining facility. At approximately 2300, RADM Baucom and other attendees departed the Surf Club and went to the "Tavern" bar, which is located in the "Historic Inn." The Inn and Club front desk (guest registration area) is also located in the Historic Inn. The Historic Inn is the building outside of which

(b)(6) & (b)(7)(C) gave RADM Baucom the keys to his room when RADM Baucom arrived at the Inn and Club.

16. Security video establishes that RADM Baucom arrived at the Tavern at approximately 2320 with (b)(6) & (b)(7)(C), USA, Commanding General, (b)(6) & (b)(7)(C) Command; (b)(6) & (b)(7)(C), USA, (b)(6) & (b)(7)(C); and (b)(6) & (b)(7)(C). Shortly after he arrived at the Tavern, RADM Baucom ordered a drink of scotch whiskey.

17. The video also establishes that over the course of the next two hours, RADM Baucom was served three additional scotch whiskeys. While at the Tavern, RADM Baucom sat at the bar on a barstool next to (b)(6) & (b)(7)(C). Throughout the course of the two hours, RADM Baucom and (b)(6) & (b)(7)(C) were joined by other TAB attendees. Beginning at 0105 on 8 April 2015, RADM Baucom and (b)(6) & (b)(7)(C) were sitting alone together at one area of the bar and five other TAB attendees were at a separate area of the bar.

18. The video also establishes that at 0053, (b)(6) & (b)(7)(C) walked to the area of the bar where RADM Baucom was sitting. (b)(6) & (b)(7)(C) spoke with RADM Baucom until 0059, at which time he left the Tavern. (b)(6) & (b)(7)(C) testified that he did not believe that RADM Baucom was intoxicated. He stated:

When I talked with him, he wasn't slurring his words.
He was sitting in his stool. So yeah, I've seen

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somebody drink before. But he still seemed like he was - he was unimpaired.

. . .

I would say that I did not see anything - I didn't see anything that indicated he was - I knew he had been drinking, but he didn't seem intoxicated, no.

19. (b)(6) & (b)(7)(C) testified that he told RADM Baucom that he was going back to his room and offered to take RADM Baucom back to his room. (b)(6) & (b)(7)(C) also testified that the reason he offered to walk RADM Baucom to his room was that RADM Baucom "didn't know his way around the hotel, and it was late." He said that he had made two previous offers to walk RADM Baucom to his room. Regarding RADM Baucom's demeanor during the third attempt,

(b)(6) & (b)(7)(C) stated:

It was not aggression. He was very, very short with me, on that third try, because I was pestering him. But he communicated on no uncertain terms that he's got it.

20. At 0117, (b)(6) & (b)(7)(C) left her barstool next to RADM Baucom and joined the five attendees at the other area of the bar. In response to our question of whether RADM Baucom appeared "in any way to be intoxicated," (b)(6) & (b)(7)(C) responded "not to me" but added that she "wasn't looking for it." She also testified that she did not recall that RADM Baucom was drinking an excessive amount. She added: "If you were to ask me if he were intoxicated, I would have said no that night."

21. Shortly after 0017, RADM Baucom stood up from his barstool, turned away from the bar, fell forward to the floor, and struck his head on a barstool.⁴ The security video shows that he had difficulty getting to his feet.

22. After RADM Baucom made it to his feet, he walked unsteadily towards the bar, paused a moment, and then left the Tavern and

⁴ In the security video the other patrons in the bar and the bar staff appear not to have noticed that RADM Baucom fell to the ground.

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entered into the "Great Lounge."⁵ Security video of the Great Lounge establishes that RADM Baucom entered the room from the Tavern at approximately 0118. The video records RADM Baucom from behind at a distance of approximately 60 feet. In the video, RADM Baucom stumbles and falls head first into the back of a couch or a side table next to a couch. He then falls to the ground.

23. At 0119, the security video from the Tavern shows RADM Baucom returning back to the bar. RADM Baucom's gait is unsteady. The video also establishes that the groin area of his pants was wet or stained.⁶ At 0120, a TAB attendee from private industry walked to RADM Baucom, spoke with him, and after a short time departed the bar with RADM Baucom.

24. At approximately 0130, a Bellman drove RADM Baucom from the Historic Inn to his room that was in a nearby building. The Bellman provided a statement to the Inn and Club Security Department in which he wrote that he drove an "intoxicated older gentleman" to his room.⁷ He added that prior to allowing the guest into the vehicle he had to place towels on the seat of the vehicle because the guest "had apparently urinated in his pants." He also stated that he had to "physically escort" the guest to his room because he was "highly intoxicated."

25. At 0605, an Inn and Club Overnight Supervisor sent an e-mail, with the subject "Naked man sighting (Naked man sighting e-mail)," to a Front Office Supervisor. In the e-mail the Overnight Supervisor wrote:

At 5:35am 2 ladies that were coming back from the gym came by the lobby to report a naked man walking around near Georgia House . . . [who is] the same person [a bellman] had to practically carry up the stairs because he was so intoxicated earlier around 1:30am.

⁵ The Great Lounge is approximately 35' x 65' with a grand piano, four separate seating areas, and fireplaces at each end of the room.

⁶ The security video from the Tavern establishes that at 0117, prior to RADM Baucom going into the Great Lounge, his pants are not wet or stained.

⁷ The statement was signed by the Bellman on 23 April 2015.

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26. The Overnight Supervisor also wrote: "The man while he was in the lobby asking for a ride back was so drunk he urinated [on] himself."

27. (b)(6) & (b)(7)(C) testified that at approximately 0530 he went for a jog. (b)(6) & (b)(7)(C) room was in the St. Johns House, which is two buildings south from the building in which RADM Baucom was staying. He also testified that he saw RADM Baucom "in the distance" at the Georgia House with a towel wrapped around his waist.⁸ He also stated that RADM Baucom had a cut on his forehead. (b)(6) & (b)(7)(C) said that he took RADM Baucom to his [(b)(6) & (b)(7)(C)] room and then went to the hotel lobby to get a key to RADM Baucom's room.

28. (b)(6) & (b)(7)(C) further testified that when he asked for RADM Baucom's key, he stated that RADM Baucom was his "boss." He said that he was then approached by someone he assumed was from hotel security who said that RADM Baucom had been seen earlier on the beach and also that there had been "some incidents." (b)(6) & (b)(7)(C) said that he told the security person that he would take RADM Baucom back to his room and that the person "seemed satisfied." (b)(6) & (b)(7)(C) said he walked RADM Baucom to his room and then went on his jog.

29. Air Force Office of Special Investigations (AFOSI) Special Agent (SA) (b)(6) & (b)(7)(C) testified that he was (b)(6) & (b)(7)(C) personal security detail leader for the trip to the TAB meeting.⁹ He said that at approximately 0720 on 8 April 2015, he was at breakfast and saw that RADM Baucom "had a red kind of bump on his forehead . . . [and] was limping pretty bad."

30. (b)(6) & (b)(7)(C) stated that at approximately 0740, he saw the Inn and Club's Chief of Security at the dining facility entranceway. (b)(6) & (b)(7)(C) said that it appeared that the Chief of Security was looking for someone, so he identified himself to the Chief of Security.

⁸ RADM Baucom was approximately 100 yards from his room at the Peyton House.

⁹ On 10 April 2015, (b) [redacted] digitally signed a Memorandum for Record, "Conduct Unbecoming Incident; Ponte Vedra Beach Resort, FL." The facts set out in the Memorandum are consistent with (b) [redacted] testimony.

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31. (b)(6) & (b)(7)(C) said that the Chief of Security showed him the Naked man sighting e-mail and asked him whether he would be able to identify the people in USTRANSCOM party. (b)(6) & (b)(7)(C) testified that the Chief of Security then showed him portions of the security video that showed RADM Baucom "trying to get down from the barstool" and falling and hitting his head on a nearby table.¹⁰

32. (b)(6) & (b)(7)(C) also stated that he believed that had there not been a security detail with (b)(6) & (b)(7)(C), to whom the Chief of Security could report the incident, the local police would have been contacted. He added:

The Chief of Security was completely content with turning it over to us. He was appreciative and I thanked him for coming to us with it and, you know, I told him we would take care of it.

33. (b)(6) & (b)(7)(C) testified that he told (b)(6) & (b)(7)(C) aide-de-camp about what the Chief of Security shared with him. He said that he also informed his AFOSI supervisor, who was at Scott AFB, IL.

34. (b)(6) & (b)(7)(C) further testified that later in the morning on 8 April 2015, he spoke with (b)(6) & (b)(7)(C). He said he asked (b)(6) & (b)(7)(C) if he had helped RADM Baucom earlier that morning and that (b)(6) & (b)(7)(C) responded that he had. (b)(6) & (b)(7)(C) stated:

(b)(6) & (b)(7)(C) obviously observed Admiral Baucom consuming alcohol and he - and (b)(6) & (b)(7)(C) said that he was intoxicated and attempted to cut Admiral Baucom off two or three times and Admiral Baucom kind of ignored him and eventually became agitated and (b)(6) & (b)(7)(C) told me that he was actually afraid Admiral Baucom was going to physically hit him.

¹⁰ In his response to our PROI, RADM Baucom objected to our statement that he "fell off the barstool." RADM Baucom pointed out that he fell when he got up from the barstool. We agree that his characterization better describes what happened and we therefore changed all references to reflect that he fell while he was getting up from the barstool.

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35. On 8 April 2015, at approximately 1700, RADM Baucom sent an e-mail to (b)(6) & (b)(7)(C) The subject of the e-mail is "Thanks." RADM Baucom wrote:

(b)(6) & (b)(7)(C),

I greatly appreciate the support during this trip. Let ['s] keep it in JAX. Please and thank you!

R'

DFB

36. On Saturday, 11 April 2015, RADM Baucom sent an e-mail to (b)(6) & (b)(7)(C) with the subject "0710 Monday Talking Points." In his e-mail, RADM Baucom provided an explanation for how he came to be naked on the grounds of the Inn and Club. He stated that he had failed to pack his pajamas because he was concerned about the weight of his luggage and "did not want to pay the extra \$25 for a 2nd bag."

37. RADM Baucom further explained that during the night he woke up from a deep sleep and thinking he was entering his bathroom, walked out his room with the door closing behind him. He stated that he then searched for a towel so that he could cover up. He wrote:

I saw very few people - only a few hotel staff, gate guards, etc . and kept asking where I could get a towel; they pointed in the direction of the hotel laundry.

38. RADM Baucom wrote that he learned on Thursday, 9 April 2015, that (b)(6) & (b)(7)(C) was "told/alarmed" about RADM Baucom being outside his room without his clothes. He wrote that he also learned that the incident had been reported to the CNO and VCNO. RADM Baucom wrote:

Concern: You've lost trust/confidence in me; my reputation is permanently damaged with CNO/VCNO over unchecked facts; this could harm my 34-year career.

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39. RADM Baucom also wrote: "Lesson Learned: I'll pack my PJs next time."

40. On 28 May 2015, we interviewed RADM Baucom. Prior to the interview, we provided copies of the security videos to RADM Baucom's attorney, who in turn, provided them to RADM Baucom.

41. At the beginning of the interview, RADM Baucom made a statement in which he accepted responsibility for his behavior. He stated:

I hold myself 100 percent responsible and accountable for my actions. I am professionally and personally embarrassed by this event that happened on this evening. And I just, I feel so much remorse about what happened.

42. RADM Baucom testified that he recalled drinking half of a gin and tonic at a cocktail reception prior to the TAB dinner, having a glass of wine and a portion of a second glass of wine at the TAB dinner, and consuming at least one scotch whiskey at the Surf Club bar after the dinner.¹¹ RADM Baucom stated that he did not believe that he was intoxicated when he left the Surf Club.

43. RADM Baucom stated that he went to the Tavern with (b)(6) & (b)(7)(C) and (b)(6) & (b)(7)(C) because (b)(6) & (b)(7)(C) said that she had more business that she wanted to discuss with him. He said that at the Tavern he spoke with (b)(6) & (b)(7)(C) about business related matters as well as personal matters. He also testified that while he was with (b)(6) & (b)(7)(C) they were joined by senior executives of corporations who were attending the TAB.

44. RADM Baucom testified he recalled that at the Tavern he finished two drinks and a portion of a third drink of scotch whiskey. He stated that when he stood up from the barstool

¹¹ RADM Baucom could not recall if he had any other drinks at the Surf Club bar.

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after (b)(6) & (b)(7)(C) left him is when he first felt intoxicated. He testified:

And that's the first time I believe that I felt intoxicated. . . . I felt very uneasy, very unsteady. I couldn't stand up straight.

45. RADM Baucom characterized his degree of intoxication as "more so than I've ever seen myself."

46. RADM Baucom testified that he recalled walking to the Great Lounge but does not recall what happened while he was there. He said he did not recall falling or urinating in his pants. He stated that based on his review of the video he is certain that he fell. He also did not dispute that he urinated in his pants.

47. RADM Baucom testified that he recalled returning to the Tavern and speaking with a civilian attendee to the TAB who escorted him out of the Tavern. He said he next recalled sitting in the back seat of a car with towels underneath him being driven by a hotel employee.

48. RADM Baucom stated that he recalled being assisted to his room by the hotel employee. He also stated that when he got to his room he urinated in his pants again. RADM Baucom testified that after urinating, he removed his clothes, took a shower, ironed his uniform for the next day's meeting, reviewed his e-mails, and drafted a text to his wife.¹² He also stated that he took his prescription medications before he went to bed. He said that he then went to bed, without clothes.

49. RADM Baucom testified that he took prescription drugs that included warnings that the drug may cause dizziness or

¹² RADM Baucom testified that he did not recall ironing his uniform, reviewing e-mails, or drafting the text. Rather, he stated that he was able to piece together that he had done these things because the iron was not where he left it, the e-mails showed that they had been read when he reviewed them the next morning, and he saw the drafted, but unsent, text the next morning.

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drowsiness and that alcohol may intensify the dizziness or drowsiness.¹³

50. (b)(6) & (b)(7)(C)

51. In his response to the PROI, RADM Baucom wrote:

(b)(6) & (b)(7)(C)

52. We provided a list of RADM Baucom's prescription drugs and the dosages he takes to a physician assigned to the Office of

13

(b)
(6)
&
(b)
(7)
(C)

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the Naval Inspector General.¹⁶ The physician opined that one of the drugs decreases fluid retention and lowers blood pressure by increasing the amount of urine produced. This increase in urine volume does not directly cause urinary incontinence (uncontrolled leakage of urine), but may affect the frequency and/or urgency of the need to urinate. This could, under certain circumstances (e.g., inability to get to a restroom in a timely manner, decreased awareness of the sensation indicating the need to void), make it more difficult for someone, whether intoxicated or not, to "hold" their urine. Regarding the remaining drugs, the physician determined they are not commonly associated with the side effect of urinary incontinence.

53. Regarding being naked on the grounds of the Inn and Club in the early morning, RADM Baucom testified that he had mistakenly walked out of his hotel room thinking that he was going to the bathroom and that the door closed behind him. He said that he did not know what the time was, and that it was before sunrise.

54. RADM Baucom said he was unsure whether he was still intoxicated when he left his room. He stated:

I'm sure I was not 100 percent. Now, I came out of a deep sleep after taking that medication. I don't know what I was. I don't know.

55. RADM Baucom testified that when he realized that he had locked himself out of his room he knew that he had to find the front lobby and get a key. He said that he first needed to cover himself up so he looked for a towel. He stated:

I'm looking for is something to cover up with. So I'm looking for just something, if I can find a spare towel anywhere or something laying around so I can get to the lobby, get a key, and get back to my room.

¹⁶ The physician is a Navy Captain with 23 years of active duty service. He is board certified in emergency medicine and completed a fellowship in clinical pharmacology.

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56. RADM Baucom stated that while he was looking for something to cover himself with he scraped his forehead when he "went underneath a bar that was between a parking lot and a road."

57. RADM Baucom testified that an Inn and Club employee pointed him to a bin with clean towels. He could not recall where the bin was located. He did recall that the sun was just rising when he found the towel.

58. RADM Baucom said that after he found the towel and wrapped himself he headed towards the lobby, but changed his mind and decided to go back to his room. He stated that since he had just left the building he was able to recognize it and return to his room. He stated:

And I recognized it because I just left there, so I had my sense with me. And I'm up on the second floor of that building. I'd just come up the stairs when I hear (b)(6) & (b)(7)(C) step out the door and his door close. And so I'm probably 20 feet, 25 feet from his door and I say, "Ed, I need help. Can you go to the lobby and get me a second key? I've locked myself out of my room."

59. RADM Baucom testified that (b)(6) & (b)(7)(C) brought him to his room and that (b)(6) & (b)(7)(C) gave him Neosporin to apply to the scrape on his forehead. He said that (b)(6) & (b)(7)(C) then went to the lobby to pick up a key to his [RADM Baucom's] room.

60. RADM Baucom stated that (b)(6) & (b)(7)(C) returned with the key and brought him to his room. He said that his room was in the same building as (b)(6) & (b)(7)(C) room, "Like right around the corner, it just seemed to be."

61. RADM Baucom also submitted a statement, dated 8 June 2015. In his statement RADM Baucom provided information regarding the events of 7 and 8 April 2015 that were consistent with his testimony. He wrote that not until he was at the Tavern did he first experience the effects of the alcohol and that the intoxication surprised him and hit him "like a ton of bricks."

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62. RADM Baucom further wrote:

This behavior is definitely out of character for me and I knew it immediately - I was shocked, concerned and worried. Upon my return to my joint command at Scott Air Force Base, I immediately self-enrolled in the Air Force Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program and have regularly attended counseling sessions. The counselor determined that I do not have a propensity for an alcohol or drug disorder: I do not abuse alcohol or drugs and I am not addicted to alcohol or drugs.

63. RADM Baucom also asserted that the combination of his "excessive alcohol use, its interaction with prescription medications, and a long evening with professional associates" caused him to act out of character. He stated that he is committed to avoiding drinking hard alcohol. He ended his statement with:

I discussed this event with my wife of 26 years and my physician and committed to avoid drinking hard alcohol for my health and to preserve the dignity and honor of serving in our Navy. This is the only event of this nature since I became a midshipman 38 years ago. I feel horrible. This event is both professionally and personally embarrassing and I sincerely apologize for my behavior.

Analysis and Conclusions

Allegation #1

64. We conclude, by a preponderance of the evidence, that on 8 April 2015 RADM Baucom was drunk and disorderly at the Ponte Inn and Club in violation of Article 134 UCMJ. The security video, statements provided by Inn and Club employees, and

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RADM Baucom's testimony leaves no question that he was drunk as defined in the MCM.¹⁷

65. With regard to whether RADM Baucom's conduct was disorderly, we considered that RADM Baucom was naked on the grounds of the Inn and Club.¹⁸ We determined that even if he mistakenly believed that the door was the entrance to the bathroom, the mistake was not reasonable. Rather, the mistake was the product of his intoxication.

66. We concluded that RADM Baucom was intoxicated when he left his bedroom in part based on his testimony. RADM Baucom testified that he met (b)(6) & (b)(7)(C) after he walked back to the building in which he believed his room was located. He said that he went to that building because he had "just left there" and that he had his "sense" with him. He further said that (b)(6) & (b)(7)(C) room was in the same building as his. However, (b)(6) & (b)(7)(C) room was two buildings from RADM Baucom's.

67. In reaching our determination we also considered RADM Baucom's testimony and statement regarding the possible effects of his prescription drugs. We do not dispute that they may have made him dizzy or drowsy. We determined, however, that dizziness or drowsiness are not relevant to our analysis of whether RADM Baucom was drunk or disorderly.

68. We also determined that under the circumstances, RADM Baucom's conduct was of a nature to bring discredit upon the armed forces.

¹⁷ We also considered the testimony by (b)(6) and (b)(6) that RADM Baucom was not intoxicated. Both (b)(6) and (b)(6) were interviewed prior to our receiving the security video recordings from the Inn and Club pursuant to the subpoena.

¹⁸ In our PROI we had also determined that RADM Baucom was disorderly when he fell while getting up from the barstool and when he urinated in his pants. In his response to the PROI, RADM Baucom asserted that no one in the bar saw that he fell, "so the conduct was not disorderly." We agree with RADM Baucom that there is insufficient evidence to find that he was seen by others when he fell to the ground. Additionally, based on the review by the Office of the Naval Inspector General physician, we cannot rule out that a prescription drug had a role in RADM Baucom's urinating in his pants.

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Allegation #2

69. We conclude, by a preponderance of the evidence, that on 8 April 2015, RADM Baucom was drunk in public and was naked in public at the Ponte Vedra Inn and Club in Ponte Vedra Beach, FL. Further, we determined that such conduct constituted conduct unbecoming an officer and a gentleman, in violation of Article 133 of the UCMJ.

70. We determined that RADM Baucom's level of intoxication and his public nudity are of such a nature that they dishonored or disgraced him personally and seriously compromised his standing as an officer.¹⁹

¹⁹ RADM Baucom did not contest any of our findings or conclusion regarding Allegation #2.

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Addendum

Inn and Club Map



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